

## INTRADEPARTMENTAL CORRESPONDENCE

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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING, FID NO. 007-20

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 007-20. A Use of Force Review Board (UOFRB) was convened on this matter on November 16, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY<sup>1</sup>

On February 25, 2020, Officers B. Zavala, Serial No. 42298, and F. Velasquez, Serial No. 42563, Newton Patrol Division, were in full uniform driving a marked black and white police vehicle. Officers Zavala and Velasquez were equipped with body worn video devices (BWV) mounted on their chests. At the beginning of their shift, Officers Zavala and Velasquez discussed previous tactical incidents in which they had been involved and which aspects could have been improved. Additionally, Officers Zavala and Velasquez discussed their weapon systems as well as *less lethal* options including the *TASER* device, which they both carried on their duty belts. Officers Velasquez and Zavala had never previously worked a patrol shift together.

The FID investigation revealed that at approximately 2201:21 hours, C. Jackson and an unknown male exited a four-door sedan parked on the southeast corner of 41<sup>st</sup> Street and McKinley Avenue and walked east on the south side of 41<sup>st</sup> Street then crossed northbound on McKinley Avenue. At approximately 2205:13 hours, community members, M. Elliot and D. Haywood, were driving through the area in Elliot's vehicle and negotiated a westbound turn onto 41<sup>st</sup> Street, from McKinley Avenue and continued west on 41<sup>st</sup> Street. As Jackson and the unknown male crossed northbound on McKinley Avenue, they approached the passenger side of Elliot's vehicle. Elliot reported that as the two men walked by the passenger side of his vehicle they stated, "Hey" to which Haywood responded, "What's up?" Suddenly, Elliot heard gunfire strike his vehicle five times. Elliot immediately accelerated west on 41<sup>st</sup> Street towards Avalon

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<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

Boulevard and drove away from the area.<sup>2</sup> Jackson and the unknown male ran eastbound on 41<sup>st</sup> Street to the parked sedan at the southeast corner of the intersection of 41<sup>st</sup> Street and McKinley Avenue. The unknown male entered the front passenger side of the vehicle. Jackson opened, then closed the rear passenger door, but did not enter the vehicle. Surveillance footage depicted Jackson, after closing the rear passenger door, face a westerly direction and raise a handgun up with his right hand. Jackson stepped west into the street, but quickly returned to the sidewalk.

According to Officer Zavala, he and Officer Velasquez were driving northbound Avalon Boulevard at 42<sup>nd</sup> Street and believed he *heard what sounded like fireworks, or possibly gunshots just east of their location*. Upon hearing the noise, Officer Zavala drove eastbound onto 41<sup>st</sup> Street, and observed *tire smoke in the middle of the street*. Believing it was possibly a *backfire from a car*, Officer Zavala continued driving eastbound (**Debriefing Point No. 1 – Code Six**).

**Note:** The FID investigation revealed Officer Velasquez believed he heard approximately three gunshots. Officer Velasquez notified Officer Zavala that he heard the gunshots east of their location.

According to Officer Zavala, as they approached McKinley Avenue he observed a vehicle in a *slanted* position in relation to the south curb *facing northeast* on 41<sup>st</sup> Street, *just east of McKinley Avenue*. Officer Zavala observed Jackson wearing *dark* clothing next to the sedan, standing on the *southeast curb* of 41<sup>st</sup> Street and McKinley Avenue, near a *tri-light post*. Officer Zavala observed Jackson look at them and take a *couple steps* off the southeast curb. Officer Zavala observed Jackson standing in an *isosceles stance* *lifting both hands*, holding a *semi-automatic* handgun pointed *right at him* and observed *muzzle flash* from Jackson's handgun.<sup>3</sup> Officer Zavala immediately brought the police vehicle to a stop. As Jackson fired his handgun, Officer Zavala *could feel something hitting their police vehicle* and believed Jackson fired approximately *three or four continuous shots*. Officer Zavala believed approximately *three or four seconds* passed from the time he initially observed Jackson to the time Jackson began firing his handgun. Officer Zavala believed if he *took the time to get out of his police vehicle*, he would have been *shot* by Jackson. Officer Zavala remained seated inside of his police vehicle and drew his service pistol with his *right hand* (**Drawing/Exhibiting**).

According to Officer Velasquez, as he and Officer Zavala continued eastbound approaching the intersection of 41<sup>st</sup> Street and McKinley Avenue he observed Jackson *take an isosceles stance*, which he described Jackson as having his *feet shoulder width apart* with a *slight bend in his knees* as *both hands* were holding a *dark handgun*. Jackson's arms were *fully extended and took aim* at Officers Velasquez and Zavala. Officer Velasquez, being familiar with the sound of a

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<sup>2</sup> The FID investigation revealed Elliot drove to his residence and inspected his vehicle. After determining his vehicle had been struck by gunfire, Elliot called 911 to report the incident. FID detectives later responded to his residence and completed an Investigative Report (IR), Division of Records No. 1013-08054.

<sup>3</sup> An isosceles stance is a stance utilized during the discharging of a firearm where the shooter's legs are at equal distance, in-line with the torso. Both arms are held straight with the firearm held pointed straight at the target from the center of the shooter's torso.

*bullet striking* a vehicle due to prior military experiences, heard what he believed to be a bullet from a *semi-automatic handgun* striking his vehicle a minimum of *three times*.

Officer Velasquez thought of his *pregnant* wife and his *daughter*. Officer Velasquez believed he was “going to die” and believed Jackson was trying to *kill* him and Officer Zavala. Officer Velasquez’ thoughts *came back to the situation* and he reacted by removing his seat belt while Jackson continued to fire his handgun at Officers Velasquez and Zavala. Officer Velasquez opened his passenger door and used it for cover as he drew his service pistol with his right hand, placing *his index finger on the slide* of his service pistol and the muzzle pointed down to the ground (**Drawing/Exhibiting**).

**Note:** The FID investigation revealed Officer Velasquez estimated that approximately one second passed from initially seeing Jackson to observing Jackson firing his handgun at them.

According to the FID investigation, surveillance video footage depicted Jackson initiating the gunfire by firing two rounds from a handgun at Officers Zavala and Velasquez. In response to Jackson’s gunfire, Officer Zavala stopped the police vehicle. Jackson then fired an additional three rounds from his handgun immediately after Officer Zavala stopped the police vehicle.

According to Officer Zavala, he observed Jackson standing in an “isosceles stance” and believed Jackson intended to “kill” him and Officer Velasquez. Officer Zavala could *clearly see* and *hear* the muzzle of Jackson’s handgun as it fired. Officer Zavala was in the *seated position* within his police vehicle and utilized the *dashboard* as a shooting *platform* on which he could *extend* his hands out *straight* and *focus* on getting his *sights aligned* on Jackson. Officer Zavala, in order to defend himself and Officer Velasquez, aimed his service pistol at Jackson’s *center mass* and discharged six rounds through the front windshield of his police vehicle. As Officer Zavala discharged each round, he observed Jackson was still firing at him and Jackson’s muzzle still pointed at Officer Velasquez and himself. As Officer Zavala returned *fire*, Jackson *did stop* firing, but maintained his handgun pointed at Officer Zavala. Officer Zavala ceased firing his service pistol because *glass particles* from the front windshield of his police vehicle *hit his face* which *could have been a distraction* while shooting. Additionally, Officer Zavala did not want to accidentally *shoot a citizen walking by* or *into a house* as he looked through *the web of the windshield* (**Lethal Force and Additional Tactical Debrief Topics – Shooting Through Front Windshield**)<sup>4</sup>

**Note:** The FID investigation revealed that Officer Zavala discharged six rounds in approximately one to two seconds.

Officer Zavala initially believed he had discharged three rounds from his service pistol. Upon completing the magazine count with FID detectives after the incident, Officer Zavala recalled that he had discharged six rounds.

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<sup>4</sup> The FID investigation revealed Officer Zavala discharged 6 rounds through the front windshield of his police vehicle in an easterly direction, from approximately 66 feet, in approximately one to two seconds.

When asked by FID detectives if his statement regarding the overall time of the OIS as being approximately less than five seconds had changed after remembering that he had discharged six rounds, Officer Zavala confirmed his time estimate was the same.

According to Officer Velasquez, due to Jackson's actions, he had *reason to believe an eminent threat of death* for himself and Officer Zavala would occur. Officer Velasquez *repositioned* himself to the rear of his police vehicle in a manner which allowed him to view Jackson but would *not expose* himself more than necessary. While redeploying, Officer Velasquez still heard the impact of *bullets striking his vehicle*. After repositioning to the rear of his police vehicle Officer Velasquez observed Jackson was still aiming his handgun at them. At that point, Officer Velasquez raised his service pistol, aimed at Jackson's center mass, and fired two *consecutive* rounds from his service pistol. Officer Velasquez assessed as he discharged his two rounds and still observed Jackson in an *isosceles stance*, aiming his handgun at him and Officer Zavala. Officer Velasquez observed Jackson continuing to fire his handgun as Officer Velasquez discharged his service pistol. Officer Velasquez estimated that approximately one second passed from initially observing Jackson to observing Jackson firing his handgun at them (**Lethal Force**).<sup>5</sup>

**Note:** The FID investigation revealed three seconds before Officer Velasquez discharged his first round, Jackson had turned and ran east on the south sidewalk of the intersection.

According to the FID investigation, immediately after discharging his service pistol Officer Zavala exited his police vehicle and stood behind the open driver's door as Officer Velasquez appeared to fire his final round. At approximately 2209:48 hours, Officer Zavala broadcast, "43 Officer needs help, 41<sup>st</sup> and McKinley, shots fired." As Communications Division (CD) broadcast the help call, Officers Zavala and Velasquez entered their police vehicle, leaving their respective doors open.

According to Officer Zavala, he and Officer Velasquez re-entered their police vehicle and Officer Zavala utilized the *engine block as cover* as he moved their police vehicle slowly *forward* eastbound approximately *four feet* closer to the intersection. Officer Zavala repositioned his police vehicle in order to *pie* the end of a hedge, located near the southeast corner of 41<sup>st</sup> Street and McKinley Avenue, to ensure Jackson was not *hiding behind the bush waiting for the right moment to shoot again* (**Debriefing Point No. 2 – Utilization of Cover**).<sup>6</sup>

According to the FID investigation, Officer Zavala utilized his police radio and additionally broadcast, "43, shots were coming from eastbound, male black, probably ran eastbound on 41st Street. Have units respond westbound...correction, eastbound from Avalon or from the north and

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<sup>5</sup> The FID investigation revealed Officer Velasquez fired 2 rounds, in an easterly direction, from approximately 77 feet, in approximately two seconds.

<sup>6</sup> The word pie referred to a tactical concept called slicing the pie [See "'Slice the pie' when rounding a corner or at the end of a fence" (Foot Pursuit Concepts, Use of Force-Tactics Directive, October 2013)].

south.” After his radio broadcast, Officer Zavala observed M. Arias, a resident at 856 East 41<sup>st</sup> Street, report that Jackson *ran southbound through the houses*. Officer Zavala notified CD and requested a perimeter.

According to Sergeant A. Udeshi, Serial No. 35775, Newton Area, Gang Enforcement Detail (GED), he was at the Newton Community Police Station (CPS), completing *administrative duties* when he heard Officer Zavala’s *help call*. Sergeant Udeshi responded with Sergeant C. Wences, Serial No. 36067, Newton Area, GED, to McKinley Avenue and 41<sup>st</sup> Street. Upon arrival Sergeant Udeshi attempted to determine the location of the OIS in order to render aid to potential victims that may have been struck by gunfire. Sergeant Udeshi asked Officers Zavala and Velasquez if they had been involved in an OIS, and if so the *direction* of fire, the number of *shots* fired, and the suspect’s description. After obtaining Jackson’s description, Sergeant Udeshi utilized his handheld police radio and over the Newton Area base frequency broadcast Jackson’s description and requested for a perimeter to be established with the coordination of an Air Unit. Officers R. Gutierrez, Serial No. 35086, and J. Juarez, Serial No. 34870, Air 16, Air Support Division (ASD), responded to the request and assisted in establishing the perimeter. Sergeant Udeshi observed Sergeant W. Hines, Serial No. 37786, Newton Patrol Division, arrive at the location and directed Sergeants Wences and Hines to monitor, separate, and obtain Officers Velasquez and Zavala’s Public Safety Statements (PSS). Sergeant Udeshi directed Sergeant Hines to keep Officer Zavala at the CP in order to conduct a field show up in the event Jackson was located. Sergeant Udeshi was aware that at that point *containment* was not set, but knowing he had an *abundance of supervisors* directed Sergeant C. Burke, Serial No. 36665, Newton Area, GED, to begin setting up the Command Post (CP). Sergeant Udeshi directed units on the perimeter to *get behind cover*, don their ballistic *helmets*, and advised them that Jackson was *armed and outstanding*. Sergeant Udeshi contacted Metropolitan Division (METRO) and made a request for K-9 personnel to respond to the CP **(Additional Tactical Debrief Topics – Incident Commander and Additional/Equipment – Body Worn Video)**.

According to Sergeant M. Goosby, Serial No. 26964, METRO, K-9, he telephonically contacted Sergeant Udeshi for a briefing on the incident. After determining the incident met K-9 response criteria, Sergeant Goosby directed Sergeant D. Aikins, Serial No. 30139, METRO, K-9, to notify Captain L. Sands, Serial No. 25012, Commanding Officer, METRO, and Lieutenant M. Carodine, Serial No. 24641, METRO, K-9, of the incident and that K-9 resources would be responding to the CP. Sergeant Goosby also directed Sergeant Aikins to notify Lieutenant C. McMillion, Serial No. 25987, METRO, Special Weapons and Tactics (SWAT), of the incident, K-9’s response, and to request SWAT personnel to respond to the CP. Sergeant Goosby was advised that SWAT personnel would be responding to the CP.

According to Sergeant Burke, he responded to the OIS location from Newton CPS, and took direction from Sergeant Udeshi to establish a temporary CP on 41<sup>st</sup> Street, west of McKinley Avenue. Sergeant Burke heard two *shooting calls broadcast* on the Newton Area base frequency and knew the radio calls were in close proximity to the OIS location. Sergeant Burke coordinated with Sergeant Udeshi to gather information about the incident to *determine* if the shooting calls were related to the OIS and if he should expand the perimeter to include the area

of those radio calls. After determining the shooting calls were not related to the OIS, Sergeant Burke returned his *focus* to the management of the OIS scene and moved the CP to 41<sup>st</sup> Street and Avalon Boulevard.

According to the FID investigation, at approximately 2310 hours, Sergeant Goosby, along with Officer M. Peters, Serial No. 30256, and K-9 Storm, Serial No. K9324, Officer H. Almaraz, Serial No. 27559, and K-9 Nik, Serial No. K9318, and Officers J. Miller, Serial No. 27326, A. Governale, Serial No. 40360, T. Call, Serial No. 27480, A. Ramirez, Serial No. 33872, and N. Huynh, Serial No. 31499, METRO, K-9 responded to the CP, formed two search teams and were briefed by Sergeant Burke (**Additional/Equipment – Uniform Standards**).<sup>7</sup>

According to Sergeant Burke, Sergeant Goosby and K-9 personnel arrived at the CP. Sergeant Burke considered that Jackson had shot at police officers and believed Jackson was a danger to the community. Sergeant Burke also believed there was a possibility Jackson was *hiding in the backyard* of a residence, leading to a possible *hostage situation* if Jackson were to make entry into a house. Additionally, Sergeant Burke considered that Jackson could have been *bleeding out* in a backyard of a residence while evading arrest. Sergeant Burke gave the *order* for the K-9 search configuration to *be completed without SWAT elements* to avoid delaying the search for Jackson. Sergeant Burke requested for a Los Angeles Fire Department (LAFD), Rescue Ambulance (RA), to stage near the CP in the event that either an officer could become injured or Jackson was or became injured. After the K-9 team deployed to the search location, LAFD personnel responded to the CP and Sergeant Burke briefed them on the incident. Sergeant Burke also briefed the incoming *SWAT element* regarding the incident.<sup>8</sup>

According to Sergeant Goosby, upon receiving a briefing of the incident from Sergeant Udeshi, he learned Jackson had fired at Officers Zavala and Velasquez. Sergeant Goosby knew this search would be *above a regular K-9 search* due to the danger Jackson presented. Sergeant Goosby followed *K-9 policy and the divisional order* by receiving approval from Captain Sands to conduct the K-9 search of Jackson's last reported location prior to the arrival of SWAT personnel.<sup>9</sup> Captain Sands also approved that the configuration of the search team to consist solely of K-9 personnel. Sergeant Goosby received approval from Captain Sands to conduct the search without a K-9 announcement due to the importance of maintaining a *tactical advantage* over Jackson, who had already shot at officers and was likely aware officers were actively searching for him. Sergeant Goosby discussed the search and the omission of the K-9 announcement with Sergeant Burke, who he believed to be the Incident Commander at the CP and received Sergeant Burke's approval. Sergeant Goosby then initiated the search for Jackson and joined a search team which consisted of Officer Peters, K-9 Storm, and Officers Miller and

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<sup>7</sup> The FID investigation revealed K-9 Storm was a four-year old Belgian Malinois breed with a full field certification (August 2019). As of February 25, 2020, K-9 Storm had 41 deployments, 19 of which resulted with K-9 Storm locating a suspect. Seven of those finds resulted in bite incidents, none of the incidents were determined to be a Categorical Use of Force.

<sup>8</sup> The FID investigation revealed LAFD, RA 814, Firefighters (FF) B. Medina, Serial No. 82448, and J. Cajiao, Serial No. 376276, arrived and staged at the CP.

<sup>9</sup> 856 East 41st Street.

Governale, *just to observe the team* and make sure Department K-9 *standards* were being met **(Additional Tactical Debrief Topics – Supervisory Responsibilities and Less-Lethal Force Options)**.

According to the FID investigation, at approximately 2330 hours Officers G. Duran, Serial No. 27766, and C. Pearson, Serial No. 39773, ASD, Air 3, arrived overhead and relieved Air 16.

According to Officer Pearson, he utilized the Forward-Looking Infrared (FLIR) system attached to his helicopter and observed an unidentified heat source in the backyard of the residence just south of 856 East 41<sup>st</sup> Street.<sup>10</sup> Officer Pearson broadcast his observation over Tactical Channel 35 and began coordinating with Sergeant Goosby.

According to Officer Peters, his search team consisted of K-9 Storm, Sergeant Goosby, and Officers Miller and Governale. Officer Peters designated Officer Miller as the *point officer* with Sergeant Goosby and Officer Governale as the rear guards in the search configuration. Originally, Officer Peters was going to deploy to Jackson's last known location of 856 East 41<sup>st</sup> Street. However, Officer Peters reformulated his plan once Officer Pearson announced their discovery of an unidentified heat source one location south of 856 East 41<sup>st</sup> Street. The second search team, led by Officer Almaraz and K-9 Nik, included Officers Call, Ramirez, and Huynh, positioned themselves at 856 East 41<sup>st</sup> Street in the event Jackson ran northbound. The resident of 856 East 41<sup>st</sup> Street *called her dog in the house to avoid conflict* between it and K-9 Nik. After ensuring both teams were set, Officer Peters advised his team members to avoid illuminating the driveway they would be walking onto to avoid *exposing their position*.

According to Officer Peters, he was *searching* for Jackson, who he knew to be *an armed suspect that had just shot* at Officers Zavala and Velasquez. Officer Peters *deployed* his service pistol, which was attached to a sling. Officer Peters searched with his service pistol while holding it in a *low-ready* position **(Drawing/Exhibiting)**.

According to Officer Peters, he determined K-9 Storm would *clear the area ahead* of them and down the driveway. K-9 Storm *cleared the front of the house* after which Officer Peters sent K-9 Storm *down the driveway*. Officer Peters knew Officer Pearson had stated the heat source appeared to be in the southeast area of the backyard. Officer Peters directed K-9 Storm into the backyard. As K-9 Storm began clearing the area around a pickup truck in the backyard, Officer Peters observed a *trampoline* beyond the truck. K-9 Storm ran by the northside of the trampoline, but did not show any indication of *scent* and did not *alert*. Officer Peters sent K-9 Storm *down the south side of the truck* out of his view, which was the *south side of the trampoline*. Officer Peters then heard *screaming* and knew K-9 Storm *had found a suspect*. Officer Peters did not hear K-9 Storm barking which caused Officer Peters to believe K-9 Storm had contacted Jackson and possibly had a *bite hold* on Jackson. Officer Peters, along with his

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<sup>10</sup> Forward-looking infrared cameras detect infrared radiation, typically emitted from a heat source (thermal radiation), to create an image assembled for video output.

team, *moved up to the truck for cover* and to get a visual on Jackson. Officer Peters observed *parts* of Jackson and could see K-9 Storm had a bite hold of Jackson's foot. Officer Peters advised the team to *make sure they had cover*.<sup>11</sup>

According to Sergeant Goosby, he unholstered his service pistol upon entering the yard of the search location. Sergeant Goosby carried his service pistol in a low-ready position and maintained his service pistol in that position until he holstered in preparation to take Jackson into custody. Sergeant Goosby gave numerous verbal commands to Jackson and told him to show both of his hands. Jackson complied and showed his hands. Officer Peters recalled K-9 Storm with a "Platz" command to which K-9 Storm responded and returned to Officer Peters.<sup>12</sup> Sergeant Goosby advised Officer Peters to place a leash onto K-9 Storm to which Officer Peters did (**Drawing/Exhibiting**).

According to Officer Peters, he redeployed behind a nearby tree to be in position to deploy K-9 Storm if Jackson attempted to run away. Jackson began crawling out from under the trampoline at which time Sergeant Goosby *handcuffed Jackson and walked him out of the yard*. After Sergeant Goosby began walking Jackson out of the yard, he requested a RA to respond for the dog bite on Jackson's foot.

The FID investigation revealed Jackson was treated by the RA for an abrasion to his right foot and was released to the officers at scene. Jackson was not transported to, nor admitted to a hospital for medical treatment (**Additional/Equipment – Medical Treatment/Rendering Aid**).<sup>13</sup>

**NOTE:** Sergeant A. Clair, Serial No. 31212, METRO, K-9, completed a K-9 Contact investigation for this incident. The incident was evaluated and the deployment of K-9, Contact of K-9, and Post K-9 Contact procedures were determined to be consistent with established criteria. The Commanding Officer of Counter – Terrorism and Special Operations Bureau (CTSOB) concurred with this evaluation.<sup>14</sup>

According to the FID investigation, at approximately 2238 hours Captain H. Mohammadi, Serial No. 36506, Commanding Officer, Newton Patrol Division, notified the Department Operations Center (DOC) of the OIS. Captain Mohammadi arrived at the CP at approximately 2240 hours.

The FID investigation revealed Officer Ramirez utilized K-9 Layka, Serial No. K9247, to conduct an article search of both 856 East 41<sup>st</sup> Street and 845 East 41<sup>st</sup> Place. K-9 Layka alerted

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<sup>11</sup> The FID investigation revealed the bite hold time was approximately 20 seconds. However, during those 20 seconds, Jackson kicked K-9 Storm off of his foot multiple times causing the bite hold to be inconsistent.

<sup>12</sup> "Platz" is a verbal command for a police dog to heel and/or return to its handler.

<sup>13</sup> The K-9 Contact with Jackson did not result in hospitalization; therefore, the K-9 Contact did not meet the criteria of a Categorical K-9 Contact.

<sup>14</sup> As a result of this incident, the Director of OSO identified two current policies/guidelines of Metropolitan Division K-9 tactics for further review which are identified in the Chief's Direction.



to an area under a patio deck, immediately adjacent to where Jackson had been taken into custody. Officer Ramirez inspected that location and observed a semi-automatic handgun, which was later recovered by personnel from the Forensic Science Division, Firearms Analysis Unit.

## **FINDINGS**

**Tactics** – Tactical Debrief, Sergeants Udeshi, Burke, and Goosby, and Officers Zavala, Velasquez, and Peters.

**Drawing/Exhibiting** – In Policy, No Further Action, Sergeant Goosby and Officers Zavala, Velasquez, and Peters.

**Lethal Use of Force** – In Policy, No Further Action, Officers Zavala and Velasquez.

## **ANALYSIS**<sup>15</sup>

### **Detention**

Officers Zavala and Velasquez heard what they believed to be fireworks or gunshots near the intersection of 41<sup>st</sup> Street and McKinley Avenue. Upon approaching the area, they observed smoke in the street and believed it was the result of a vehicle backfire. Driving further eastbound towards McKinley Avenue, Officers Zavala and Velasquez observed Jackson standing on the southeast corner holding a handgun. Jackson raised and pointed the handgun directly at Officers Zavala and Velasquez. Jackson fired his handgun at Officers Zavala and Velasquez resulting in an OIS. Jackson fled eastbound on the south sidewalk and out of sight of Officers Zavala and Velasquez. After a containment perimeter was established, Jackson was located by Officer Peters with K-9 Storm. The actions of Officers Zavala, Velasquez, and Peters' detention of Jackson were appropriate and within Department policies and procedures.

## **TACTICS**

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

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<sup>15</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Although Officers Zavala and Velasquez had not worked together on a prior occasion, on the day of the incident they discussed previous tactical incidents in which they had been involved and what aspects could have been improved. Additionally, Officers Zavala and Velasquez discussed their weapon systems as well as *less lethal* force options including the deployment of the TASER.

Upon arrival at the incident, Sergeant Udeshi immediately began formulating a plan. Sergeant Udeshi was briefed by Officers Zavala and Velasquez and afterwards assigned supervision roles and communicated his plan with the supervisors at scene. Sergeant Udeshi directed Sergeants Wences and Hines to separate, monitor, obtain PSSs, and transport Officers Zavala and Velasquez to the CP. Sergeant Udeshi assigned Sergeant Burke to set up a CP and assisted in the establishment of the perimeter in coordination with ASD.

Sergeant Goosby was involved in the planning of the K-9 search and conferred with Officer Peters regarding the tactical plan for the search. While at the CP, Sergeant Goosby proceeded to contact Sergeant Aikins where they discussed how the K-9 team would proceed to search for Jackson.

**Assessment** – While being fired upon, Officers Zavala and Velasquez conducted assessments of their positions and their need to effectively utilize cover. Officer Zavala determined the police vehicle provided the best cover. Officer Velasquez drew his service pistol, opened his front passenger door, exited, and utilized the door as cover. Officer Velasquez turned towards the back of the police vehicle and redeployed to the rear. Additionally, Officers Zavala and Velasquez assessed the situation between their rounds of fire and afterwards. Officers Zavala and Velasquez also considered their background at the time of shooting at Jackson.

Sergeant Udeshi assessed the incident and gathered information from Officers Zavala and Velasquez regarding Jackson. Sergeant Wences assessed Officers Zavala and Velasquez for injury, and then gathered pertinent information from both officers regarding to OIS.

Once the K-9 search team located Jackson, Sergeant Goosby and Officer Peters conducted assessments of the tactical incident. Jackson's position, movements, and actions were assessed and the K-9 search team coordinated with each other and took Jackson into custody.

**Time** – Officers Zavala and Velasquez became involved in a rapidly evolving incident which was initiated when Jackson fired upon them. During this short time, Officers Zavala and Velasquez held their positions at their police vehicle as they waited for backup units.

Sergeant Udeshi utilized time to his advantage upon arrival to the OIS location. Sergeant Udeshi gathered a large amount of information and broadcast to CD to notify responding units of all pertinent information. Additionally, Sergeant Udeshi requested a perimeter and gave orders to responding supervisors, giving them each an assignment. Sergeant Burke utilized additional time to brief responding entities, such as K-9 officers, SWAT, LAFD, and command staff as they arrived at the CP. During that time, Sergeant Burke received and relayed information from Sergeant Udeshi to update command staff at the CP. Both Sergeants Udeshi and Burke utilized time to coordinate together and with additional resources.

**Redeployment and/or Containment** – Officer Zavala requested the area to be contained after Jackson fled on foot. Officer Zavala requested a perimeter to be set immediately after the OIS. Officers Zavala and Velasquez both redeployed to positions of better cover after the OIS. Officer Velasquez re-entered his police vehicle and sat on the front passenger seat while Officer Zavala also returned and entered the driver seat. Officer Zavala slowly drove his police vehicle forward towards the southeast corner of the intersection and utilized the engine block of their police vehicle as cover as they redeployed their police vehicle to another position.

Sergeant Udeshi arrived at the scene of the OIS and determined Jackson had fled and containment was needed. Sergeant Udeshi was assisted by ASD in establishing a perimeter to contain Jackson.

Once Jackson was located by the K-9 search team, the search team redeployed to establish a position of tactical advantage on Jackson. The K-9 search team took Jackson into custody while redeploying their positions and by recalling K-9 Storm.

**Other Resources** – Following the officers' actions of returning gunfire at the suspect, Officer Zavala notified Communications Division and requested a perimeter.

Sergeant Udeshi utilized the resource of additional supervisors and directed Sergeants Wences and Hines to separate, monitor, and obtain PSSs from Officers Zavala and Velasquez. Sergeant Udeshi coordinated with ASD to establish a perimeter. Sergeant Udeshi directed Sergeant Burke to establish a CP. Sergeant Udeshi contacted Metropolitan Division to notify them of the incident and requested K-9 resources to respond to the scene due to Jackson still being outstanding and having fired upon Officers Zavala and Velasquez. Sergeant Goosby coordinated with ASD to find and later detain Jackson.

Sergeant Burke, while acting as the incident commander, approved the K-9 search plan which did not include SWAT personnel. Given the violent actions of Jackson, I would have preferred for Sergeant Burke to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

Sergeant Goosby, while assigned as supervisor of the K-9 unit, approved the K-9 search plan which did not include a K-9 deployment announcement or SWAT personnel. Given the violent actions of Jackson, I would have preferred for Sergeant Goosby to have ensured that a K-9 deployment announcement was made and to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

**Lines of Communication** – Officers Zavala and Velasquez initially did not know the specific location from which the sound they believed to be either firecrackers or gunshots was coming from. Since there was no known location of the sound the UOFRB would have preferred that Officers Zavala and Velasquez broadcast that possible shots had been fired in the area for the safety and information of other officers who could have been nearby. Officer Zavala communicated to responding officers by giving them additional information regarding the suspect's direction of travel and directed responding units to respond eastbound. Officer Zavala broadcast a perimeter request and advised that a citizen reported seeing a suspect running through the houses between McKinley Avenue and Central Avenue. Sergeant Udeshi communicated with Officers Zavala and Velasquez and gathered information about the OIS. Sergeant Udeshi communicated with Metropolitan Division K-9 requesting K-9 resources to respond. Sergeant Goosby directed Sergeant Aikins to contact Lieutenant McMillion to request the response of SWAT. Sergeant Goosby established lines of communication with the resident of the search location to ensure her safety and the safety of her dog, which Sergeant Goosby asked be taken into the residence to avoid conflict between it and K-9 Nik.

The UOFRB discussed that the tactical situation was dictated by Jackson's actions in which he pointed and fired a handgun at Officers Zavala and Velasquez. Since Jackson's actions were unexpected, Officers Zavala and Velasquez had to react immediately to defend their lives. Officers Zavala and Velasquez, despite being at a disadvantage, continued to assess their options for cover, their rounds of fire, and their shooting background. After the OIS, Officers Zavala and Velasquez planned together by communicating with each other and determined they would utilize their police vehicle's engine block as cover while Officer Zavala slowly drove their

vehicle closer to the intersection. Officers Zavala and Velasquez also communicated with each other to ensure neither had been shot. The UOFRB also noted Sergeants Udeshi and Burke's continuous communication effectively ensured all important aspects of the incident were addressed such as the officer's safety, their separation and monitoring, and the coordination of responding units such as K-9 and SWAT.

The UOFRB noted there was strong lines of communication among the members of the K-9 search team. Their thoroughness allowed for quick adjustment to the fluid situation and the quick apprehension of Jackson. Sergeants Goosby and Burke discussed many aspects of the K-9 search plan including conducting the search without a K-9 announcement. Sergeants Goosby and Burke also communicated with Captain Sands to gain approval for the configuration of the K-9 search team. Additionally, Sergeant Goosby and Officer Peters continued to assess K-9 Storm's contact demonstrating a concern for Jackson's wellbeing.

During the review of the incident, the following Debriefing Topics were noted:

#### **Debriefing Point No. 1 Code Six**

*When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.*

*Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:*

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

*Note: The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Zavala and Velasquez did not advise Communications Division (CD) of their Code Six location prior to engaging Jackson.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in the case being reviewed, their actions can be unpredictable.

In this case, Officers Zavala and Velasquez were patrolling in the area of Avalon Boulevard and 41<sup>st</sup> Street. The officers heard the sounds of what they believed to be either gunshots or

fireworks coming from an unknown location. The officers were unsure of the exact nature of the sounds and the location. They turned eastbound onto 41<sup>st</sup> Street and approached the next intersection at McKinley Avenue. This incident rapidly escalated as Jackson fired upon the officers, striking their police vehicle. Both officers discharged their firearms to protect themselves from the imminent threat of serious bodily injury or death. Once it became practical, Officer Zavala broadcast, "Officer needs help," to CD.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Zavala and Velasquez' decision not to advise CD of their Code Six location was not a deviation from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

### **Debriefing Point No. 2      Utilization of Cover**

*Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (handgun, shotgun, or rifle rounds). (Los Angeles Police Department Basic Firearms Manual, January 2014).*

After the OIS occurred and Jackson fled to an unknown location, Officer Velasquez left his position of cover behind the ballistic panel of his police vehicle's front passenger door. Officer Velasquez walked in a southeasterly direction from his police vehicle, parked north of the southbound traffic lane near the southwest corner of 41<sup>st</sup> Street and McKinley Avenue. Other alternative positions of cover were not available to Officer Velasquez. Officer Velasquez walked to the center divider of McKinley Avenue, south of 41<sup>st</sup> Street. Officer Velasquez returned to his position of cover at the passenger door. Officer Velasquez left his position of cover a second time, walking in a southerly direction, while maintaining a parallel position relative to his passenger door, as he looked in Jackson's last known direction of travel. Officer Velasquez did not have the benefit of cover while doing so.

The UOFRB noted Officer Velasquez initially utilized his ballistic panel when redeploying from his front passenger seat towards the rear of his police vehicle and again when he returned to his front passenger seat. Officer Velasquez stated that he utilized the engine block as cover while Officer Zavala drove their police vehicle slowly forward, closer to the intersection to get a better view of the area. Later, as Officers Zavala and Velasquez tried to get a closer look at a hedge near the southeast corner of the intersection, Officer Velasquez described utilizing the engine block as cover.

The UOFRB determined his actions and statements demonstrated that Officer Velasquez maintained situational awareness and he understood the importance of utilizing cover. The UOFRB noted that Officer Velasquez, when leaving cover on both occasions, had done so with caution and maintained a close position to his passenger door/ballistic panel. Additionally, Officer Velasquez' movements were in balance for the safety of himself and Officer Zavala, in

an attempt to gain a visual of Jackson's last known location. The UOFRB noted Officer Velasquez continued to assess as he moved away from cover and towards the intersection.

Based on the totality of circumstances, the UOFRB determined, and I concur, that while identified as an area for improvement, Officer Velasquez' actions were not a deviation from approved Department tactical training. To enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Shooting Through Front Windshield** – Officer Zavala, while approaching the intersection of 41<sup>st</sup> Street and McKinley Avenue, observed Jackson raise a handgun and fire multiple rounds at Officers Zavala and Velasquez. Officer Zavala stopped his police vehicle west of the intersection and believed that Jackson's rounds were striking his police vehicle. Officer Zavala, while maintaining in a seated position in the front driver's seat, drew his service pistol and fired through the front windshield of his police vehicle. Officers are reminded that shooting through a windshield can degrade the accuracy and performance of their rounds. The rounds can also cause debris and fragments of the windshield to enter into the police vehicle, along with subjecting officers to the sound of gunfire. I will direct this to be a topic of discussion at the Tactical Debrief.

**Incident Commander** – Sergeants Udeshi and Burke arrived after the OIS and assumed the responsibilities of Incident Commander. Sergeant Udeshi remained near the OIS location while Sergeant Burke set up the CP and briefed incoming personnel, including K-9 officers. Neither Sergeants Udeshi nor Burke declared themselves to be the IC. Supervisors are reminded of the importance of declaring themselves as IC to avoid confusion and to implement clear command and control of the incident. Other entities, in this case K-9 personnel, are required to seek approval from the IC regarding some portions of their tactical operations. I will direct this to be a topic of discussion at the Tactical Debrief.

**Supervisor Responsibilities** – Sergeant Goosby, while with the K-9 search team, assigned himself to be the rear-guard position of the K-9 search team formation. After K-9 Storm located Jackson hiding underneath a trampoline, Sergeant Goosby gave Jackson commands to which Jackson complied. Sergeant Goosby handcuffed and escorted Jackson from the location, with the assistance of another K-9 officer, to a nearby police vehicle to wait for medical treatment by LAFD. During this incident, there were additional K-9 officers available to take these active roles from Sergeant Goosby to allow him to remain focused solely on supervising the operation. Supervisors are reminded to prioritize command and control, when feasible, over engaging with a suspect. This issue was brought to the attention of Captain C. Valenzuela, Serial No. 33440, Assistant Commanding Officer, Metropolitan Division, who advised that this issue was addressed through the generation of a Supervisor Action Item (SAI) and Informal Counseling. The Commanding Officer of Counter – Terrorism and Special Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. I will direct this to be a topic of discussion at the Tactical Debrief.

**Less-Lethal Force Options** – Sergeant Goosby accompanied a K-9 search team that eventually located and apprehended Jackson. After the search was complete, Sergeant Goosby realized that his team was only equipped with a less lethal force option of a TASER. Sergeant Goosby was aware the additional K-9 search team, who was not assigned to conduct a search, was in possession of a Beanbag shotgun. Sergeants are reminded to utilize available resources and consider having additional less lethal force options, such as a Beanbag shotgun. This issue was brought to the attention of Captain Valenzuela, who advised that this issue was addressed through the generation of a SAI and Informal Counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. I will direct this to be a topic of discussion at the Tactical Debrief.

### **COMMAND AND CONTROL**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained enough situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).*

Officer Zavala was the senior officer of the primary unit. After the OIS, Officer Zavala began broadcasting pertinent information to CD and responding units. Officer Zavala began setting up



a perimeter after Jackson fled on foot to an unknown location. Officer Zavala also ensured Sergeants Udeshi and Wences were briefed upon their arrival and identified himself and Officer Velasquez as being involved in the OIS, the number of rounds that had been fired, Jackson's last known location, and information provided by a resident on Jackson's possible location.

Officer Peters responded with K-9 Storm to conduct a search for Jackson, who had fled from the OIS location. After receiving notification of a potential location for Jackson, Officer Peters, along with K-9 Storm and his search team, initiated a search. After K-9 Storm contacted Jackson, Officer Peters commanded K-9 Storm to maintain a bite hold while he and his search team redeployed to positions of cover. Once Jackson was compliant, Officer Peters gave K-9 Storm the Platz command to release his bite hold and return to Officer Peters. Officer Peters immediately leashed K-9 Storm and had no further contact with Jackson.

The UOFRB reviewed Officer Peters' decision to have K-9 Storm maintain a bite hold and determined that it was a sound decision which demonstrated Officer Peters' awareness of officer safety. The UOFRB noted that the bite hold was not sustained and was intermittent as Jackson continued to resist by kicking his legs. Officers Peters clearly communicated with Sergeant Goosby to ensure that Jackson's hands could be observed and were not holding a firearm. Officer Peters continued to coordinate with members of the K-9 search team to take Jackson into custody without further incident. Calling K-9 Storm back prior to the officers taking cover would have placed the search team in a situation which could have required them to engage in additional force with Jackson. However, Officer Peters also demonstrated a sense of urgency to recall K-9 Storm as quickly as possible to minimize any harm to Jackson. The UOFRB reviewed the deployment and actions of K-9 Storm and determined that K-9 Storm was a valuable tool and was utilized effectively.

The actions of Officers Zavala and Peters were consistent with Department training and my expectations of senior officers during a critical incident.

Sergeant Udeshi, while at the Newton CPS, heard Officer Zavala's shots fired call being broadcast over Newton Area base frequency. Sergeant Udeshi responded with Sergeant Wences from Newton CPS to Officers Zavala and Velasquez' location. Sergeant Udeshi ordered Officers Zavala and Velasquez to maintain their positions of cover as Sergeant Udeshi spoke to them. Sergeant Udeshi immediately gathered information from Officers Zavala and Velasquez regarding Jackson, the outstanding suspect. Sergeant Udeshi was briefed by Officers Zavala and Velasquez about the OIS that had occurred. Sergeant Udeshi directed Sergeants Wences and Hines to separate, monitor, and obtain a PSS from Officers Zavala and Velasquez. Sergeant Udeshi coordinated with the air unit to establish a perimeter. Sergeant Udeshi directed Sergeant Burke to establish a CP. Sergeant Udeshi directed all personnel at scene to utilize cover and to don their ballistic helmets. Sergeant Udeshi contacted METRO to notify them of the incident and to request K-9 resources to respond to the scene due to Jackson still being outstanding and having fired at Officers Zavala and Velasquez. Sergeant Udeshi briefed METRO, K-9. Sergeant Udeshi remained at the scene until he was directed by Sergeant Burke to respond to two radio calls indicating Jackson was possibly at the location.

Sergeant Burke arrived at the scene of the OIS and met with Sergeant Udeshi. Sergeant Burke, at Sergeant Udeshi's direction, began to set up the CP and chose the location of 41<sup>st</sup> Street and Avalon Boulevard. Sergeant Burke established the CP and, upon their arrival, briefed K-9 officers on the OIS. Sergeant Burke determined that due to the circumstances of the incident, Jackson needed to be apprehended without delay. Therefore, Sergeant Burke approved the initiation of the K-9 search without the addition of SWAT personnel. Sergeant Burke also approved the omission of the K-9 announcement, also due to the circumstances of the incident. Sergeant Burke, prior to the initiation of the K-9 search, requested a LAFD RA to respond to the CP in the event Jackson was injured or became injured during the search.

The UOFRB noted that both Sergeants Udeshi and Burke assumed IC roles. During deliberations, the UOFRB recognized that both Sergeants Udeshi and Burke remained actively engaged in managing this critical incident. The supervisors ensured that all duties were completed and worked together effectively with each other. Sergeant Udeshi maintained his position as the IC of field operations while Sergeant Burke handled operations at the CP.

However, the UOFRB noted that Sergeants Udeshi and Burke did not declare themselves as the IC as is expected by the Department. The UOFRB considered the circumstances of this incident and the requirement by Metropolitan Division's K-9 Unit to receive approval from the IC regarding their search team configuration and approval for conducting searches without a K-9 announcement. Noting how this could cause confusion or an inappropriate source of approval for their tactical engagements, the UOFRB noted the importance of sergeants to broadcast their designation as IC. The UOFRB emphasized the Department's expectation that the IC broadcast his designation once it has been assumed. Additionally, the UOFRB considered Sergeants Udeshi and Burke's articulation describing their roles as co-incident commanders. The UOFRB noted Sergeant Burke did not consult Sergeant Udeshi when giving K-9 personnel his approval to search in an all K-9 personnel configuration to avoid the delay waiting for SWAT personnel. Sergeant Burke also did not consult prior to approving the initiation of the K-9 search without a K-9 warning. The UOFRB would have preferred that Sergeants Udeshi and Burke ensured clear communication was present throughout the incident.

Sergeant Burke, while acting as the incident commander, approved the K-9 search plan which did not include SWAT personnel. Given the violent actions of Jackson, I would have preferred for Sergeant Burke to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

Sergeant Goosby, while at Metropolitan Division, received Sergeant Udeshi's request for a K-9 response. Sergeant Goosby was briefed by Sergeant Udeshi regarding the incident. Sergeant Goosby directed Sergeant Aikins to contact Lieutenant McMillion and request the response of SWAT personnel. Sergeant Goosby responded to the incident and discussed the incident with Captain Sands. After getting more details from Sergeant Burke regarding Jackson, Sergeant Goosby sought and received approval to conduct the K-9 search without waiting for personnel from SWAT due to exigency since Jackson created a safety concern for citizens in the area. Sergeant Goosby did not want to delay checking an area for Jackson which would delay medical treatment since it was unknown if Jackson had been struck by gunfire. Captain Sands approved

the configuration of the K-9 search team to be comprised of only K-9 personnel. Sergeant Goosby also received approval from Captain Sands and Sergeant Burke to conduct the search without a K-9 announcement due to their knowledge that Jackson had already showed a willingness to fire his handgun at officers and would have been aware that officers were searching for him due to a large presence of officers in the area, including the air unit. Sergeant Goosby also consulted with Lieutenant McMillion prior to the initiation of the K-9 search. Sergeant Goosby coordinated with ASD to find and later detain Jackson.

Sergeant Goosby, while assigned as supervisor of the K-9 unit, approved the K-9 search plan which did not include a K-9 deployment announcement or SWAT personnel. Given the violent actions of Jackson, I would have preferred for Sergeant Goosby to have ensured that a K-9 deployment announcement was made and to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

The UOFRB reviewed Sergeant Goosby's involvement during the K-9 search. Sergeant Goosby began giving verbal commands to Jackson and after Jackson complied, Sergeant Goosby handcuffed him. Sergeant Goosby walked Jackson from the residence and over to a police vehicle for treatment by the RA. The UOFRB considered Sergeant Goosby's statements regarding his reason for involvement in the search. Sergeant Goosby, being the training supervisor for the tactics within the K-9 Unit, stated he frequently accompanied search teams to ensure Department standards were met. The UOFRB determined Sergeant Goosby's primary role was to first supervise and ensure there are adequate search team members to address the situation so that Sergeant Goosby's involvement would not be needed. Thereby, Sergeant Goosby could focus on his duties by providing command and control at each incident. However the UOFRB noted Sergeant Goosby engaged in handcuffing Jackson and would have preferred that he maintain his supervisory role and not physically engage Jackson. The UOFRB reminded Sergeant Goosby to maintain his role as a supervisor and to assign additional personnel, if needed, to a search team to avoid his direct involvement. The UOFRB noted Sergeant Goosby ensured Officer Peters utilized his K-9 to effectively deliver bite hold only to the extent that it was necessary for the officers to get to positions of cover. Additionally, the UOFRB noted Sergeant Goosby reminded Officer Peters to immediately leash K-9 Storm to prevent a further incident.

The UOFRB reviewed Sergeant Goosby's request to conduct the K-9 search in a configuration which did not include SWAT personnel. Sergeant Goosby articulated his reason for the urgency of apprehending Jackson was that Jackson was possibly injured and to avoid the danger Jackson presented to people in the area. The UOFRB determined that not waiting for the arrival of SWAT personnel was reasonable due to a valid exigency and was within Department policy. However, the UOFRB noted Sergeant Goosby made the appropriate notifications to

Lieutenant McMillion and therefore, considering that SWAT personnel were already responding, would prefer Sergeant Goosby to continue to consider waiting for the arrival of SWAT personnel in future incidents.<sup>16</sup>

The UOFRB also noted Sergeant Goosby's decision to initiate the K-9 search without giving a K-9 announcement. Sergeant Goosby received approval from both Captain Sands as well as Sergeant Burke, whom he believed to be the IC, which was consistent with Department policy. Sergeant Goosby stated that his reason for eliminating the announcement was to maintain the search teams' tactical advantage since Jackson had already fired at officers. The UOFRB determined that since Jackson had fired at Officers Zavala and Velasquez, the exemption of the K-9 announcement was reasonable based on the exigency of the circumstances.

The actions of Sergeant Goosby were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident. However, absent exigent circumstances, I would have preferred Sergeant Goosby not handcuff Jackson and that he maintain his supervisory role and not physically engage Jackson.

Sergeant Aikins completed notifications, at the direction of Sergeant Goosby, to Captain Sands and Lieutenant Carodine, informing them that the K-9 search team would be responding to the OIS location.

Sergeant Wences responded from Newton CPS, with Sergeant Udeshi to the OIS location and met with Officers Zavala and Velasquez. Sergeant Wences checked Officers Zavala and Velasquez for injury and then gathered information from them regarding to OIS. Sergeant Wences took over supervision of Officer Velasquez, separated him, and obtained his PSS.

Sergeant Hines responded from Newton CPS, simultaneously with Sergeant Burke to the OIS location and met with Officers Zavala and Velasquez. Sergeant Hines took over supervision of Officer Zavala, separated him, and obtained his PSS.

The actions of Sergeants Udeshi, Wences, Hines, Burke, and Aikins were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Lieutenant McMillion spoke with Sergeant Aikins and Sergeant Goosby for a briefing on the incident. Lieutenant McMillion and Sergeant Burke discussed the possibility of the deployment of SWAT personnel. Due to Jackson already being in custody and field show ups being conducted upon Lieutenant McMillion's arrival, Lieutenant McMillion chose not to deploy SWAT. After Jackson was positively identified, SWAT was not deployed.

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<sup>16</sup> During the UOFRB it was noted that the estimated time of arrival for SWAT personnel was between 30 and 45 minutes.

The actions of Lieutenant McMillion were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident. Captain Sands received notifications from Sergeant Goosby regarding the incident and the request for deployment of K-9 resources. Captain Sands approved the K-9 search to be completed without waiting for the arrival of SWAT personnel and for the K-9 search team configuration to be with K-9 personnel only. Captain Sands considered the urgency to get Jackson into custody for the safety of citizens in the area and to ensure Jackson was not injured in the OIS and in need of medical treatment. Additionally, Captain Sands approved the omission of the K-9 announcement due to the threat Jackson posed for the search team if they were to announce their presence since doing so would have provided Jackson with a tactical advantage.

Captain Mohammadi arrived at scene at approximately 2340 hours, and oversaw patrol functions. Captain Mohammadi demobilized personnel assigned to the incident after Jackson was taken into custody.<sup>17</sup>

The actions of Captain Sands and Mohammadi were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

### **Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeants Udeshi, Burke, and Goosby, and Officers Zavala, Velasquez, and Peters did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Captain Sands would not receive formal findings, I believe Captain Sands would benefit from attending the Tactical Debrief to enhance future performance and discuss this dynamic incident in its entirety.

Therefore, I will direct that Captain Sands, and Sergeants Udeshi, Burke, and Goosby, and Officers Zavala, Velasquez, and Peters attend a Tactical Debrief and that the specific identified topics be discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;

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<sup>17</sup> Captain Mohammadi arrived at the CP approximately 90 minutes after the incident began.

- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force

### **General Training Update (GTU)**

On March 5, 2020, Officers Zavala and Velasquez attended the General Training Update (GTU). All mandatory topics were covered.

### **Drawing/Exhibiting**

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

### **Officer Zavala**

According to Officer Zavala, as they approached McKinley Avenue he observed a car, in a "slanted" position in relation to the south curb facing northeast on 41<sup>st</sup> Street, just east of McKinley Avenue. Officer Zavala observed Jackson who was wearing dark clothing, next to the sedan, standing on the southeast curb of 41<sup>st</sup> Street and McKinley Avenue, near a tri-light post. Officer Zavala observed Jackson look at them and take several steps off the southeast curb. Jackson lifted both hands in an "isosceles stance," holding a semi-automatic handgun pointed right at him. Officer Zavala observed muzzle flash from Jackson's handgun. Officer Zavala immediately brought his vehicle to a stop. As Jackson fired, Officer Zavala could feel "something hitting" the police vehicle. Officer Zavala believed Jackson fired approximately "three or four continuous shots." Officer Zavala believed approximately "three or four seconds" passed from the time he initially observed Jackson up to the time Jackson began firing. Officer Zavala believed if he took the time to get out of his police vehicle, he would have been shot by Jackson. Officer Zavala remained inside of his police vehicle and drew his service pistol with his right hand.

Officer Zavala recalled,

*As soon as we approached the -- prior to approaching the crosswalk area on the west side of the light, the male black approached us, lifting up both hands. And I looked at him and I observed muzzle flash coming from his hand from a semi-automatic pistol right at me.*<sup>18</sup>

*I came to a stop -- I came to a stop before I even drew out my pistol.*<sup>19</sup>

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<sup>18</sup> Officer Zavala Page 10, Lines 21-25 and Page 11, Line 1.

*I'm right-handed. I drew my pistol because I didn't believe that there was time for me to get out of the vehicle since he was already firing shots at us. And I could feel -- I could -- I felt something hit the vehicle, so I felt that if I took the time to get out of the vehicle then I would have got shot. So then at that point I drew and exhibited. I used the dashboard as a platform.<sup>20</sup>*

*Once I saw that the suspect produced a handgun towards us and the muzzle went off, I then unholstered my weapon.<sup>21</sup>*

*I believe I used it to lean forward to be able to get a better shot and be able to extend my -- my hand, rather than keeping it in a close position with my firearm.<sup>22</sup>*

*To straighten out my arms because it was the lowest -- the windshield comes out at an angle, so that would be the only place where I could actually straighten out my arms at the bottom of the -- of the windshield. So I was using the dashboard to go as far down as I could, so I can extend my arms.<sup>23</sup>*

#### **Officer Velasquez**

According to Officer Velasquez, as he and Officer Zavala continued eastbound approaching the intersection, he observed Jackson take an "isosceles stance," which Officer Velasquez described as Jackson having his "feet shoulder width apart" with a "slight bend in his knees" as "both hands" were holding a handgun. Jackson's arms were "fully extended" and took aim at Officer Velasquez and Zavala. Officer Velasquez, being familiar with the sound of a bullet striking a vehicle due to prior military experiences, heard what he believed to be a bullet from a "semi-automatic handgun" striking his vehicle a minimum of "three times." Officer Velasquez observed Jackson's handgun to be "dark" in color. Officer Velasquez thought of his pregnant wife and his daughter and believed he was "going to die." Jackson was trying to "kill" him and Officer Zavala. Officer Velasquez' thoughts came back to the situation and reacted by removing his seat belt while Jackson continued to fire his handgun at them. Officer Velasquez opened his passenger door, using it for cover, then drew his service pistol with his right hand, placing his index finger on the slide and the muzzle pointed down to the ground. While redeploying, Officer Velasquez still heard the impact of bullets striking his vehicle. Officer Velasquez repositioned himself to the rear of his police vehicle in a manner which allowed him to view Jackson, but would not expose himself more than necessary.

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<sup>19</sup> Officer Zavala, Page 31, Lines 24-25.

<sup>20</sup> Officer Zavala, Page 29, Lines 5-12.

<sup>21</sup> Officer Zavala Page 11, Lines 7-9.

<sup>22</sup> Officer Zavala, Page 29, Lines 17-20.

<sup>23</sup> Officer Zavala, Page 58, Lines 11-17.

Officer Velasquez recalled,

*I observed, on the southeast corner of the intersection of 41st Street and McKinley, a male, later described as the suspect, take an isosceles stance with both of his hands -- arms raised them up, pointing it towards our direction, aiming a semi-automatic handgun, shooting it towards me and my partner multiple times. At which point all I could hear is gunshots and see muzzle flash coming from his semi-automatic pistol. I could also hear the impact of the bullets striking our black and white vehicle. And at the time all I could think of was my wife -- she's three months pregnant having our first boy -- and my daughters, if I was going to make it home tonight. I honestly thought I was going to die. But then I came to -- back to the situation and just reacted by removing my seat belt while we're still receiving fire. At which point I opened the passenger door and used it as cover while I'm unholstering my firearm.<sup>24</sup>*

*Based on my training and experience, isosceles stance to what I believe it is, is your both -- your feet are about shoulder width apart, a slight bend in the knees with both arms -- both hands on the firearm fully extended out and taking aim towards me and my partner's direction, sir.<sup>25</sup>*

*I drew out on -- while we're getting shot at and me exiting the vehicle.<sup>26</sup>*

*I unholstered with one hand. My index finger was on the slide of the firearm, and the gun barrel was aiming towards the ground when I repositioned behind the vehicle.<sup>27</sup>*

*...he was still in an isosceles stance, pointing and aiming a firearm -- semi-automatic firearm and still shooting at myself and my partner.<sup>28</sup>*

*Based on the severity of the situation, sir, I had reason to believe that my partner and I's lives were in immediate threat of serious bodily injury or death, sir.<sup>29</sup>*

*This suspect had, I believe, a purpose to cause serious bodily injury to myself or my partner, and I had to make a decision to use it to stop the threat, sir.<sup>30</sup>*

*He was trying to kill me and my partner, sir... I definitely had fear, sir. I'm just happy that I get to go home to my family, sir.<sup>31</sup>*

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<sup>24</sup> Officer Velasquez, Page 10, Lines 2-21.

<sup>25</sup> Officer Velasquez, Page 23, Lines 4-10.

<sup>26</sup> Officer Velasquez, Page 26, Lines 12-14.

<sup>27</sup> Officer Velasquez, Page 27, Lines 3-8.

<sup>28</sup> Officer Velasquez, Page 43, Lines 1-4.

<sup>29</sup> Officer Velasquez, Page 44, Lines 16-19.

<sup>30</sup> Officer Velasquez, Page 45, Lines 21-24.

<sup>31</sup> Officer Velasquez, Page 46, Lines 4-5, Lines 8-10.



*I heard it, sir. I heard what I reasonably believed to be a bullet striking our vehicle while he's shooting at us... I'm prior military, so I've encountered certain situations where vehicles were struck by nine-millimeter or any type of handguns, and it sounds familiar... I believe it was multiple.<sup>32</sup>*

The UOFRB conducted a thorough evaluation of the reasonableness of Officers Zavala's and Velasquez' drawing and exhibiting of their service pistols. The UOFRB noted that Jackson rapidly escalated the incident by firing a handgun at Officers Zavala and Velasquez, both of who were seated inside of their police vehicle. The police vehicle was stuck by bullets. Both officer Zavala and Velasquez drew their service pistols in response to Jackson's gunfire.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Zavala and Velasquez, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Zavala and Velasquez' Drawing/Exhibiting to be In-Policy, No Further Action.

### **Officer Peters**

According to Officer Peters, he was *searching* for Jackson, who he knew to be an armed suspect that had just shot at Officers Zavala and Velasquez. Officer Peters deployed his service pistol which was attached to a sling. Officer Peters searched with the service pistol while holding it in a low-ready position.

Officer Peters recalled,

*Just because we were searching for an armed suspect that had just shot at the police it's just another weapon that I can take with me that does have -- it's -- it was adopted as a pistol format but it does have rifle capabilities with accuracy with long shots. Good penetration capabilities, so occasionally, when -- when we search for armed suspects or any -- any suspects, we have those guns primarily for the handlers to use because then it gives me the ability to take longer precision shots, but it's a smaller compact weapon. It wouldn't be feasible to use a shotgun or a rifle as the handler because it's just too big and I'm manipulating my dog and leashes and E-collars and so forth. But it's a good thing just to -- to have as a handler if you need just a little bit of extra range or something like that.<sup>33</sup>*

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<sup>32</sup> Officer Velasquez, Page 37, Lines 19-21 and Page 38, Lines 7-10 and Page 38, Lines 14-15.

<sup>33</sup> Officer Peters, Page 31, Lines 20-25 and Page 32, Lines 1-12.

*I had -- I had an MP7 pistol that I had out the entire time. It's on a sling. So I was using that.<sup>34</sup>*

*-- slung, and I had that. I searched just like I would any other gun at a low-ready... It has a pressure switch flashlight mounted to it like -- like all of our weapons do.<sup>35</sup>*

### **Sergeant Goosby**

According to Sergeant Goosby, upon receiving a briefing of the incident from Sergeant Udeshi, he learned Jackson had fired a handgun at Officers Zavala and Velasquez. Sergeant Goosby opined that Jackson "knows we're here" and would be aware that officers were searching for him. Once entering the yard of the search location, Sergeant Goosby unholstered his service pistol. Sergeant Goosby carried his service pistol in a low-ready and maintained that positioning until he holstered in preparation to take Jackson into custody.

Sergeant Goosby recalled,

*Finally, my cell phone rings. It's the desk. And they said that Sergeant Uchida from Newton Division is requesting K-9 response. I then called him on his cell phone and asked him what he had. And he said that they had an officer-involved shooting, suspect's outstanding. Then they asked him if the officer -- if the suspects fired at the officers. And he said, "Yes." So when he told me that, that let me know, okay, this is going to go a little bit above the -- a regular K-9 search.<sup>36</sup>*

*Yes, I did. Yes. Once we kicked off into the yard and started to search, I unholstered my weapon.<sup>37</sup>*

*I carried my weapon in a low-ready in search mode, and as we came up on a suspect, I stayed at low-ready so I could keep my eyes on him if he presented any threats that I can just come up on target and deal with it.<sup>38</sup>*

*He fired at police officers. He knows we're there.<sup>39</sup>*

The UOFRB conducted a thorough evaluation of the reasonableness of Sergeant Goosby's and Officer Peters' drawing and exhibiting of their service pistols. Sergeant Goosby and Officer Peters were assigned to the K-9 search team with the objective to check a location to determine if Jackson was possibly at a location. Sergeant Goosby and Officer Peters were briefed that Jackson had fired at Officers Zavala and Velasquez.

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<sup>34</sup> Officer Peters Page 29, Lines 15-17.

<sup>35</sup> Officer Peters, Page 30, Lines 8-9 and 16-18.

<sup>36</sup> Sergeant Goosby, Page 7, Lines 13-23.

<sup>37</sup> Sergeant Goosby, Page 24, Line 25 and Page 25, Lines 1-2.

<sup>38</sup> Sergeant Goosby, Page 25, Lines 7-11.

<sup>39</sup> Sergeant Goosby, Page 19, Lines 24-25.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Sergeant Goosby and Officer Peters, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Sergeant Goosby's and Officer Peters' Drawing/Exhibiting to be In-Policy, No Further Action.

## **Policy on the Use of Force**

### **Use of De-Escalation Techniques<sup>40</sup>**

*It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.*

### **Factors Used to Determine Objective Reasonableness<sup>41</sup>**

*The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.*

*In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*

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<sup>40</sup> Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

<sup>41</sup> Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances.*

### **Use of Force – Deadly<sup>42</sup>**

*It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:*

- *To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or*
- *To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.*

*In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.*

**Note:** *Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.*

### **The Department's Evaluation of Deadly Force<sup>43</sup>**

*The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in *Graham v. Connor*.*

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<sup>42</sup> Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

<sup>43</sup> Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

**Background:** According to the FID investigation, the OIS occurred on a residential street corner to the south side of 41<sup>st</sup> Street, east of McKinley Avenue. East 41<sup>st</sup> Street ran from east to west and McKinley Avenue from north to south. The area was primarily residential, consisting of single family houses, duplexes and small apartment buildings. The outer perimeter of most structures on 41<sup>st</sup> Street were secured by wrought iron fence beginning at the sidewalk. Both 41<sup>st</sup> Street and McKinley Avenue measured approximately 40 feet in width. At the time of the OIS, 41<sup>st</sup> Street was void of pedestrian traffic and the street was lined with parked vehicles. Security video depicted Jackson standing on the sidewalk on 41<sup>st</sup> Street at the curb line with parked vehicles, a light pole, shrubbery and wrought iron fences in his background when the OIS occurred. During the crime scene analysis FID investigators, located multiple bullet impacts to the wrought iron fence posts along the sidewalk on the south side of 41<sup>st</sup> Street.

According to Officer Zavala he believed Jackson stepped into the street at the time Officer Zavala fired his service pistol.

The UOFRB noted that the background behind a suspect was a consideration in this incident; however, the background must be balanced in comparison to the threat a suspect may pose to the officer and community. In this case, the UOFRB determined, and I concur, that the imminent threat Jackson presented to Officers Zavala and Velasquez was more significant and outweighed the risk to the community in consideration of Officers Zavala and Velasquez' background.

**Officer Zavala** – 9mm, Smith and Wesson, 6 rounds in an easterly direction, from a distance of 77 feet.

**Note:** The FID investigation revealed that Officer Zavala discharged six rounds in approximately one to two seconds.

According to Officer Zavala, he observed Jackson standing in an “isosceles stance” and believed Jackson intended to “kill” him and Officer Velasquez. Officer Zavala could clearly see and hear the muzzle of Jackson’s handgun as it fired. Officer Zavala knew “it was a semi-automatic because of the continuous fire.” Officer Zavala was in the seated position within his police vehicle and utilized the dashboard as a shooting platform on which he could extend his hands out straight and focus on getting his sights aligned on Jackson. Officer Zavala was “scared” for his life and in order “to defend himself” and Officer Velasquez, aimed at Jackson’s center mass and discharged six rounds at Jackson through the front windshield of his police vehicle. As Officer Zavala fired, he observed Jackson continuously firing at both Officers Zavala and Velasquez. As Officer Zavala discharged each round, he observed that Jackson was still firing at him and Jackson’s muzzle still pointed at Officer Velasquez and himself. As Officer Zavala returned fire, Jackson did stop firing, but maintained his handgun pointed at Officer Zavala.

Officer Zavala recalled,

*I observed him to be on the southeast curb right near a light post, I believe it is -- I'm sorry -- a tri-light post, I believe it is, and near a bush. As soon as he saw us, he then took a couple steps to where he just stepped off the southeast curb and started firing rounds.<sup>44</sup>*

*It felt like something struck the vehicle. I felt -- for example, when a rock hits a motorcycle helmet, I felt the impact of 6 the vehicle.<sup>45</sup>*

*I was still traveling forward, but slow.<sup>46</sup>*

*He automatically brings up the pistol, gets himself in a stance, and then starts firing... With both hands on the on the frame of the gun... With an isosceles stance... His body facing right at us with both arms extended and separation between his two legs. I just know it was semi-automatic because of the continuous fire that he had when firing at us.<sup>47</sup>*

*I believe that it was pointed in the direction of our windshield either at myself or my partner.<sup>48</sup>*

*I believe it was like three or four continuous shots.<sup>49</sup>  
About three seconds, four seconds.<sup>50</sup>*

*To cause serious or bodily -- serious bodily injury to myself or my partner... to kill us.<sup>51</sup>*

*Because we were receiving gunfire and we -- or I could clearly see the muzzle. I could hear the muzzle. I felt the vehicle being struck. And I was scared for my life.<sup>52</sup>*

*I was in the seated position in my vehicle... I used the dashboard as a platform and I responded back with fire to the suspect.<sup>53</sup>  
I put my frame (finger) on the trigger once my sights were aligned.<sup>54</sup>*

*To defend myself and my partner's life.<sup>55</sup>*

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<sup>44</sup> Officer Velasquez, Page 25, Lines 3-8.

<sup>45</sup> Officer Zavala, Page 49, Lines 4-7.

<sup>46</sup> Officer Zavala, Page 57, Lines 3-4.

<sup>47</sup> Officer Zavala, Page 26, Lines 20-21, and Page 27, Lines 4-5, 9, 12-14 and 17-19.

<sup>48</sup> Officer Zavala, Page 59, Line 25 and Page 60, Lines 1-2.

<sup>49</sup> Officer Zavala, Page 31, Lines 4-5.

<sup>50</sup> Officer Zavala, Page 56, Lines 23-24.

<sup>51</sup> Officer Zavala, Page 59, Lines 14-16, and Line 19.

<sup>52</sup> Officer Zavala, Page 51, Lines 21-24.

<sup>53</sup> Officer Zavala, Page 28, Lines 1-2, and Page 29, Lines 12-13.

<sup>54</sup> Officer Zavala, Page 35, Lines 17-18.

<sup>55</sup> Officer Zavala, Page 51, Lines 18-19.

*Initially when the incident first -- first occurred, it had gone by so fast that I believed at the time I fired three shots. And once time had passed, I went through the situation thoroughly in my head and I now know that I fired more than three rounds. And it was continuous fire while either receiving fire or the suspect pointing his firearm at me... Six.<sup>56</sup>*

*The suspect was still -- still with the firearm pointed at us... He was still firing when I -- when I was firing. ...during my response of gunfire, he did stop, but the firearm was still pointed at us what I could see through the windshield.<sup>57</sup>*

According to Officer Zavala, he ceased firing because of the web in his front windshield which was causing glass particles to hit Officer Zavala's face which could have been a distraction while shooting. Additionally, Officer Zavala did not want to accidentally shoot a citizen walking by or into a house as he looked through the webbing of the glass. Officer Zavala recalled,

*I stopped firing because the web of the -- of the windshield shrapped up too much. So, one, I didn't want to shoot at somebody or a citizen walking by or somebody's house. And, two, the glass was also hitting my face, so that would have been a distraction if I would have let glass continue to hit my face while shooting. So at that point I stopped because it would have become a risk once the -- I saw the web of the windshield.<sup>58</sup>  
I fired six rounds until I observed the spiderweb of the windshield and that's when I came to a stop.<sup>59</sup>*

According to Officer Zavala, he had initially believed he fired three rounds. After completing the magazine count with FID detectives after the incident, Officer Zavala recalled that he had discharged six rounds.

Officer Zavala,

Detective Grabe: *But from what you're telling us, it sounds like you were firing all those rounds within that same span that you already described while the suspect is pointing the gun at you or firing rounds at you; is that correct?*

Police Officer Zavala: *Yes.*<sup>60</sup>

The FID investigation revealed that Officer Zavala, when asked by FID detectives if his statement regarding the overall time of the OIS as being approximately less than five seconds had changed after remembering that he discharged six rounds, Officer Zavala confirmed his time estimate was the same.

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<sup>56</sup> Officer Zavala, Page 62, Lines 21-25 and Page 63, Lines 1-3 and Line 7.

<sup>57</sup> Officer Zavala, Page 47, Lines 7-8 Lines 12-13 Lines 17-20.

<sup>58</sup> Officer Zavala, Page 37, Lines 12-20.

<sup>59</sup> Officer Zavala, Page 46, Lines 20-22.

<sup>60</sup> Officer Zavala, Page 63, Line 22.

Detective Grabe: *Okay. Now, you said you did not communicate with your partner because everything happened so quickly. How -- how much time do you think this incident took to occur? And we're talking just the shooting part.*

Police Officer Zavala: *Just the shooting between the suspect and myself?*

Detective Grabe: *Uh-huh.*

Police Officer Zavala: *Less than five seconds.*<sup>61</sup>

In this case, the UOFRB conducted a thorough review of the incident. During their review, the UOFRB took into consideration that Jackson was in possession of a handgun. Jackson rapidly escalated the incident by raising his handgun and firing directly at Officers Zavala and Velasquez. The UOFRB noted that Officer Zavala discharged his service pistol to prevent serious bodily injury or death to himself and Officer Velasquez. Other force options, including the possible deployment of less lethal munitions, were not practical due to Jackson's firing at Officers Zavala and Velasquez.

The UOFRB noted that Officer Zavala continuously assessed prior to firing, between each round, and after firing. Each time Officer Zavala discharged his service pistol, he continued to assess and observed Jackson pointing and firing his handgun at himself and Officer Velasquez. In addition, UOFRB noted that when Jackson started to run away, Officer Zavala ceased firing. The UOFRB considered the minimal amount of time, which was a matter of seconds that Officer Zavala had to make decisions based on the imminent threat posed by Jackson to Officers Zavala and Velasquez. The UOFRB noted that Officer Zavala articulated his perception of an imminent threat when Jackson began firing at him. Officer Zavala specifically articulated his reason for the use of lethal force, which was to defend himself and Officer Velasquez. The UOFRB noted the threat of serious bodily injury or death faced by Officers Zavala and Velasquez.

The UOFRB also considered the bullet impacts to the police vehicle as presented by FID investigators: front left bumper, front left tire, left muffler, and front surface of the left rear wheel well liner. The FID investigators conveyed to the UOFRB that the impacts were consistent with bullets fired from Jackson's position and the UOFRB took this into consideration when discussing Officer Zavala's response to Jackson and Officer Zavala's subsequent use of lethal force.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Zavala, would reasonably believe Jackson's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, I find Officer Zavala's Use of Lethal Force to be In Policy, No Further Action.

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<sup>61</sup> Officer Zavala, Page 49, Lines 21-25, and Page 50, Lines 1-4.



**Officer Velasquez – 9mm, Glock, 2 rounds in an easterly direction, from a distance of 88 feet.**

**Note:** The FID investigation revealed Officer Velasquez discharged two rounds in approximately two seconds.

According to Officer Velasquez, due to Jackson's actions, he had "reason to believe an eminent threat of death" for himself and Officer Zavala would occur. Officer Velasquez observed Jackson "take an isosceles stance." Jackson had "both hands on the firearm fully extended out and taking aim towards" both Officer Velasquez and Zavala. Officer Velasquez placed his index finger on the slide of his service pistol and repositioned himself to the rear of his police vehicle in a manner which allowed him to observe Jackson, but would not expose himself more than necessary. While repositioning, Officer Velasquez still heard "the impact of bullets striking" his police vehicle. Officer Velasquez, after repositioning, observed that Jackson was still aiming his handgun at him and Officer Zavala. Officer Velasquez raised his service pistol and aimed at Jackson's center mass, discharging two consecutive rounds. Officer Velasquez assessed as he discharged his two rounds and still observed that Jackson was in an "isosceles stance," aiming his handgun at him and Officer Zavala. Officer Velasquez estimated that approximately one second passed from initially observing Jackson to observing Jackson firing his handgun at them.

Officer Velasquez recalled,

*The last -- the only observation I saw was him take an isosceles stance and raise both of his arms and aim and point a gun -- a semi-automatic handgun and shot at me and my partner multiple times... he already had the gun in his -- I believe it was right hand and he was holding it with both -- both hands and his arms -- both arms were extended out.<sup>62</sup>*

*They were already together from, I would say, the knees position while he was raising it. That's exactly what I remember seeing... He was facing our direction westbound... isosceles stance to what I believe it is, is your both -- your feet are about shoulder width apart, a slight bend in the knees with both arms -- both hands on the firearm fully extended out and taking aim towards me and my partner's direction, sir.<sup>63</sup>*

*...both his feet are planted while he's shooting at us.<sup>64</sup>*

*The suspect with the same isosceles stance with the firearm in his hands.<sup>65</sup>*

*I know it was more than three, sir. I don't know an exact number, but... And this one led me to believe it was semi-automatic handgun because of how fast he was able to shoot the*

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<sup>62</sup> Officer Velasquez, Page 18, Lines 4-8, Page 20, Lines 5-8.

<sup>63</sup> Officer Velasquez, Page 20, Lines 17-20 and Lines 24-25 and Page 23, Lines 4-10.

<sup>64</sup> Officer Velasquez, Page 24, Lines 3-4.

<sup>65</sup> Officer Velasquez, Page 28, Lines 19-20.

*firearm and how it looked from the position I was at... I don't recall exact color, but it was dark.*<sup>66</sup>

*I had reason to believe to be an eminent threat of death, sir... For myself and my partner.*<sup>67</sup>

*I'm still hearing the impact of the bullets striking our vehicle, so I redeploy by going behind the black and white vehicle -- our vehicle to get a better position and what I believe better cover is.*<sup>68</sup>

*My index finger was on the slide of the firearm, and the gun barrel was aiming towards the ground when I repositioned behind the vehicle, then I went on target, and that's when the OIS occurred on my behalf, sir...Center mass...of the suspect...After I shot both rounds I reassessed because I could no longer see the suspect.*<sup>69</sup>

*...took an isosceles stance enough to where I could -- my gun was out and I was able to see the suspect still to not expose myself as much more than I needed to.*<sup>70</sup>

*And I still see the suspect aiming his semi-automatic handgun at my partner and I and shooting at us. At which point I raised my firearm. I aim it towards the suspect where I then shoot two times.*<sup>71</sup>

*It was two consecutive.*<sup>72</sup>

*After I shoot, I no longer see the immediate threat and he repositions himself behind an object -- I believe it was a tree or branch nearby -- and I couldn't see him.*<sup>73</sup>

*After I shot both rounds, I reassessed because I could no longer see the suspect where he was once at and he was no longer in my line of sight.*<sup>74</sup>

*About I would say a second, sir.*<sup>75</sup>

The FID investigation revealed that Officer Velasquez, when asked by FID Detective Linscomb if Officer Velasquez observed Jackson continuing to fire as Officer Velasquez fired, Officer Velasquez stated, "yes."

Detective Linscomb: *Okay. When you see him, do you recall if he's still firing?*

Officer Velasquez: *Yes. I do recall that.*<sup>76</sup>

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<sup>66</sup> Officer Velasquez, Page 43, Lines 14 and Lines 22-25 and Page 44, Lines 10-11.

<sup>67</sup> Officer Velasquez, Page 29, Lines 20-21 and Lines 23-24.

<sup>68</sup> Officer Velasquez Page 10, Lines 22-25.

<sup>69</sup> Officer Velasquez, Page 27, Lines 3-8 and Page 30, Lines 3, 5, and 11-13.

<sup>70</sup> Officer Velasquez, Page 25, Lines 20-23.

<sup>71</sup> Officer Velasquez, Page 11, Lines 1-4.

<sup>72</sup> Officer Velasquez, Page 42, Lines 18-19.

<sup>73</sup> Officer Velasquez, Page 11, Lines 5-8.

<sup>74</sup> Officer Velasquez, Page 30, Lines 11-14.

<sup>75</sup> Officer Velasquez, Page 18, Lines 15-16.

In this case, the UOFRB conducted a thorough review of the incident. During their review, the UOFRB took into consideration that Jackson was in possession of a handgun. Jackson rapidly escalated the incident by raising his handgun and firing directly at Officers Velasquez and Zavala, striking their police vehicle. The UOFRB noted that Officer Velasquez utilized lethal force to prevent serious bodily injury or death to both officers. Jackson's rapid escalation of the incident and his firing at Officers Velasquez and Zavala, limited considerations for other force options, including the deployment of less lethal force options. The UOFRB noted that Officer Velasquez continued to assess after his first and second rounds. Officer Velasquez observed Jackson running away and ceased firing.

**Note:** The FID presentation during the UOFRB noted Officer Velasquez discharged his first round three seconds after surveillance video appeared to depict Jackson turn and run away eastbound.

The UOFRB noted that Officer Velasquez articulated his perception of an imminent threat, which was when Jackson began firing at him and Officer Zavala. Officer Velasquez articulated his reason for the use of lethal force which was to defend himself and Officer Zavala. The UOFRB noted the significant threat of serious bodily injury or death to Officers Velasquez and Zavala. The UOFRB also considered Officer Velasquez' assessment of Jackson's actions between each discharged round.

The UOFRB considered the environmental conditions when considering Officer Velasquez' use of lethal force. The UOFRB noted it occurred during the hours of darkness with a low level of light in Officer Velasquez' background. Additionally, the UOFRB considered the incident was rapidly unfolding and dynamic, giving Officer Velasquez little time to react. The UOFRB considered Officer Velasquez' perception of Jackson's actions and that there was approximately three seconds from Jackson turning and running to Officer Velasquez' discharging of his first round. The UOFRB considered "lag time" and the low level of available light with regard to the three second gap.<sup>76</sup> The UOFRB also noted that Officer Velasquez had just been violently fired upon by Jackson. The three second delay in Officer Velasquez' discharging his first round was understandable considering the numerous factors in this incident. I noted that the lighting conditions were a significant contributing challenge to Officer Velasquez' observation of Jackson's movements.

The UOFRB also considered the following bullet impacts to the police vehicle as presented by FID investigators: front left bumper, front left tire, left muffler, and front surface of the left rear wheel well liner. The FID investigators conveyed to the UOFRB that the impacts were consistent with bullets fired from Jackson's position and the UOFRB took this into consideration when discussing Officer Velasquez' response to Jackson and Officer Velasquez' subsequent use of lethal force.

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<sup>76</sup> Officer Velasquez, Page 28, Line 25 and Page 29, Line 1-3.

<sup>77</sup> Lag Time is defined as the time it takes a person to react to an action, LAPD Training Bulletin, Volume XLVI, Issue 3, dated October 2017, "Weapons Other Than Firearms."

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Velasquez, would reasonably believe Jackson's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, I find Officer Velasquez' Use of Lethal Force to be In Policy, No Further Action.

### **Additional/Equipment**

**BWV** – Sergeant Udeshi did not activate his BWV during his Code Three response to the location of the OIS. Sergeant Udeshi activated his BWV upon arriving at the scene. This issue was brought to the attention of Captain R. Goddard, Serial No. 32757, Commanding Officer, Newton Patrol Division, who advised that this issue was addressed through the generation of a Supervisor Action Item (SAI) and the issuance of an Employee Comment Sheet. The Commanding Officer of Operations – Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Sergeant Wences recorded Officer Velasquez' PSS on BWV believing he was required to do so. This issue was brought to the attention of Captain Goddard who advised that this issue was addressed through the generation of a SAI and divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

**Uniform Standards** – Officer Peters did not have identifying patches on his tactical utility vest during the incident. This issue was brought to the attention of Captain Valenzuela, who advised that this issue was addressed through Informal Counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. It was later determined that after this incident occurred, Officer Peters applied his identifying patches and passed an audit ensuring his utility vest had the required patches in August 2020. I deem no further action is necessary.

**Note:** The METRO K-9 unit currently conducts an inspection of each officer's uniform and equipment to comport with Department standards. This inspection is conducted twice a month during training days. This incident occurred approximately five months prior to the initiation of the inspection procedure.

**Medical Treatment/Rendering Aid** – The FID investigation revealed Jackson was treated by the LAFD RA 814, Fire Fighters Medina and Cajiao, for an abrasion to his right foot and was released to the officers at scene. Jackson was not transported to, nor admitted to a hospital for medical treatment.

### **Audio/Video Recordings**

**Body Worn Video (BWV)** – Officers Zavala and Velasquez' BWV captured the OIS and their subsequent separation and monitoring by supervisors. Sergeants Udeshi, Wences, and Hines'

BWV devices captured their activities after the OIS had occurred. All K-9 search team officers had their BWV devices activated during the search. Sergeant Goosby's BWV captured the largest overview of the K-9 search which resulted in Jackson's arrest.

**Outside Video** – The FID investigation revealed that two locations, 705 E. 41<sup>st</sup> Street and 817 E. 41<sup>st</sup> Street, were found to have surveillance camera recordings which captured aspects of the incident. The recordings depicted Elliott appearing in the frame then suddenly reversing his vehicle. Additionally, Jackson and another unknown male can be seen exiting a sedan as a driver remained inside of the vehicle. Jackson and the unknown male walked out of the frame, westbound on 41<sup>st</sup> Street. Shortly after, Jackson and the unknown male returned to the vehicle. The unknown male entered the vehicle while Jackson can be seen looking eastbound as Officers Zavala and Velasquez approached the intersection. The surveillance camera recording captured Jackson raising a handgun and firing in the officers' direction. Jackson turned and ran westbound as the sedan drove away, leaving Jackson behind. Jackson could no longer be seen in the frame.

**Digital In-Car Video System (DICVS)** – Officers Zavala and Velasquez' DICVS was not activated until after the OIS had occurred.

#### **Chief's Direction**

To enhance future performance, I have instructed the Director of OSO to conduct an assessment of two Department policies and guidelines as it pertains to Metropolitan Division K-9 tactics. With regards to the exemption of an announcement prior to the initiation of a K-9 search, this policy is currently being revised to require the announcement be completed prior to the initiation of the K-9 search. With regards to the authorization and configuration of K-9 search teams during the search of suspects involved in an OIS, this policy is being revised to reflect that absent exigent circumstances, personnel from Metropolitan Division SWAT shall be assigned to these search teams.

Respectfully,



MICHEL R. MOORE  
Chief of Police


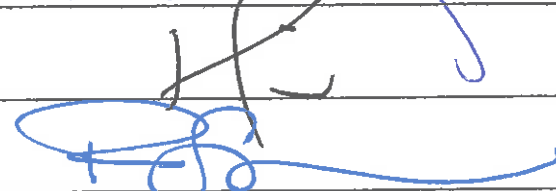
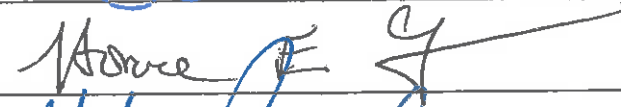
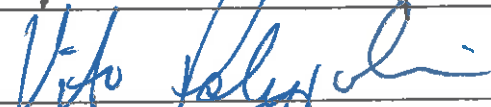

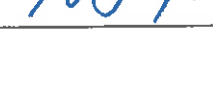


Date: \_\_\_\_\_

12-17-20

LOS ANGELES POLICE DEPARTMENT  
USE OF FORCE REVIEW BOARD REPORT

INC NO. 007-20	CF NO. -	DR. NO. 2013-00252
OIS		

REVIEW BOARD INFORMATION

<b>Location of Incident</b> 41 <sup>st</sup> Street & McKinley Avenue	<b>RD</b> 1344	<b>Date of Incident</b> February 25, 2020	<b>Date and Time of Board Review</b> November 16, 2020 at 1500 Hours
<b>Chairman</b> Deputy Chief M. Baeza, Serial No. 26624	<b>Signature of Approving Board Members:</b> 		
<b>Member (Office Representative)</b> Commander M. Rimkunas, Serial No. 32211			
<b>Member (Police Sciences and Training Bureau)</b> Commander R. Flores, Serial No. 30995			
<b>Member (Bureau – Office of Operations)</b> Assistance Chief H. Frank, Serial No. 25958			
<b>Member (Bureau – Operations – Central Bureau)</b> Deputy Chief V. Palazzolo, Serial No. 27433			
<b>Member (Bureau – CTSOB)</b> Commander D. Kowalski, Serial No. 33157			
<b>Presenting Commanding Officer</b> Captain C. Valenzuela, Serial No. 33440			
<b>Presenting Commanding Officer</b> Captain R. Goddard, Serial No. 32757			
<b>Peer Member (Sergeant)</b> Sergeant A. Torres 31467			
<b>Peer Member (Officer)</b> Officer J. Lee, Serial No. 40975			
<b>NOTES:</b>			
<b>ADDITIONAL CONSIDERATIONS:</b>			
<b>MODIFICATION TO PRESENT POLICY, PRACTICES OR TRAINING:</b>			
<p style="text-align: center;"><b>RECEIVED</b> NOV 16 2020 <b>POLICE COMMISSION</b></p> <p> <input checked="" type="checkbox"/> COP Date Signed: <u>12/17/2020</u>  <input checked="" type="checkbox"/> PC Date Submitted: <u>12/17/2020</u> </p>			

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Employee (Last Name, First, Middle) Udeshi, Akash		Serial No. 35775	Rank/Class Sergeant I	Incident No. 007-20
Length of Employment 19 years, 8 months		Current Division Newton	Time in Current Division 1 year, 11 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u><b>Tactics</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u><b>Drawing and Exhibiting the Firearm</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Drawing and Exhibiting the Firearm</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Drawing and Exhibiting the Firearm</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u><b>Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u><b>Less-Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Less-Lethal Use of Force</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Less-Lethal Use of Force</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
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<u><b>Unintentional Discharge</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u><b>Unintentional Discharge</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u><b>Unintentional Discharge</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u><b>Other Issues</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Other Issues</b></u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u><b>Other Issues</b></u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes: <div style="text-align: right; margin-top: 100px;">           RECEIVED            NOV 16 2020            POLICE COMMISSION         </div>				
<u><b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b></u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

<b>Employee (Last Name, First, Middle)</b> Burke, Christopher		<b>Serial No.</b> 36665	<b>Rank/Class</b> Sergeant I	<b>Incident No.</b> 007-20
<b>Length of Employment</b> 17 years, 2 months		<b>Current Division</b> Newton		<b>Time in Current Division</b> 0 years, 4 months
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

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**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.



<b>Employee (Last Name, First, Middle)</b> Goosby, Michael		<b>Serial No.</b> 26964	<b>Rank/Class</b> Sergeant II	<b>Incident No.</b> 007-20
<b>Length of Employment</b> 30 years, 6 months		<b>Current Division</b> Metropolitan		<b>Time in Current Division</b> 7 years, 9 months
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
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<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
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<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

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<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	Notes:
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\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

<b>Employee (Last Name, First, Middle)</b> Zavala, Bardo		<b>Serial No.</b> 42298	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 007-20
<b>Length of Employment</b> 4 years, 4 months		<b>Current Division</b> Newton	<b>Time in Current Division</b> 0 years, 6 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
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**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

<b>Employee (Last Name, First, Middle)</b> Velasquez, Franco		<b>Serial No.</b> 42563	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 007-20
<b>Length of Employment</b> 3 years, 9 months	<b>Current Division</b> Newton		<b>Time in Current Division</b> 1 year, 9 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

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**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint  
☐ Employee's Work History Reviewed

Notes:

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

<b>Employee (Last Name, First, Middle)</b> Peters, Mike		<b>Serial No.</b> 30256	<b>Rank/Class</b> Police Officer III	<b>Incident No.</b> 007-20
<b>Length of Employment</b> 28 years, 4 months		<b>Current Division</b> Metropolitan	<b>Time in Current Division</b> 19 years, 6 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

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**Final Adjudication for Out of Policy/  
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